

REMARKS

I. Introduction

Claims **1-30** are pending in the application. Claims **1** and **6-7** are independent. All claims stand rejected. In particular:

(A) claims **1-30** stand rejected under 35 U.S.C. §101 as being allegedly drawn to non-statutory subject matter;

(B) claims **7, 19-21, 23, and 25-29** stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 6,324,520 (hereinafter “Walker”);

(C) claims **1-4, 6, and 8-9** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of “PTS: Vending Machine Refund System” (hereinafter “PTS”);

(D) claims **5 and 10** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of PTS, in further view of U.S. Patent No. 7,286,901 (hereinafter “Whitten”);

(E) claims **11-12, 14-15, 17-18, 22, 24, and 30** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Whitten; and

(F) claims **13 and 16** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Whitten, in further view of PTS.

Upon entry of this amendment, which is respectfully requested, claims **1, 6-24, 26-27, and 29-30** will be amended, and new claims **31-38** will be added. No new matter is believed to be introduced by these amendments.

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.112.

II. The Examiner’s Rejections

A. 35 U.S.C. §101

Claims **1-30** stand rejected under 35 U.S.C. §101 as being allegedly drawn to non-statutory subject matter. Independent claims **1** and **6-7** are amended herein, rendering this ground for rejection *moot*.

At least for this reason, Applicants respectfully request that this §101 ground for rejection of claims 1-30 be **withdrawn**.

B. 35 U.S.C. §102(b) – Walker

Claims 7, 19-21, 23, and 25-29 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Walker. Applicants traverse this ground for rejection as follows.

1. **The Examiner has failed to show how the reference teaches or suggests:** *determining, by the vending machine and based on a coin inventory available at the vending machine, whether to provide a resolution to the customer service issue* (claims 7, 19-21, 23, and 25-29)

Applicants respectfully assert that the Examiner has failed to show how Walker teaches or suggests limitations of claims 7, 19-21, 23, and 25-29. For example, the Examiner has failed to show how Walker teaches or suggests *determining, by the vending machine and based on a coin inventory available at the vending machine, whether to provide a resolution to the customer service issue*.

With respect to claim 22, which recited a similar feature prior to amendment herein, the Examiner states that Walker fails to teach or suggest such a concept. Office Action, pg. 16, lines 12-13. The Examiner goes on to rely on Whitten to make up for this alleged deficiency of Walker. However, it is not at all clear how “offering a customer a refund” is at all related to providing a resolution based on the coin inventory of the vending machine. At least because any “refund” is likely to be a simple refund of the same amount the customer just deposited, in Whitten, Applicants are at a loss as to how such a typical vending machine feature could possibly be believed to read on a vending machine *determining whether to provide a customer service issue resolution based on the coin inventory of the vending machine*.

Accordingly, at least because the Examiner has failed to show how Walker teaches or suggests *determining, by the vending machine and based on a coin inventory available at the vending machine, whether to provide a resolution to the customer service*

issue, the Examiner has failed to establish a *prima facie* case that Walker anticipates any of claims 7, 19-21, 23, and 25-29.

Applicants therefore respectfully request that this §102(b) ground for rejection of claims 7, 19-21, 23, and 25-29 be **withdrawn**.

C. 35 U.S.C. §103(a) – Walker, PTS

Claims 1-4, 6, and 8-9 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of PTS. Applicants respectfully note that the earliest apparent publication date of the PTS reference is May 2, 2004, which is just two (2) months prior to the earliest effective filing date of the present application (*i.e.*, June 16, 2004). Applicants hereby respectfully note that the subject matter of the pending claims **was invented prior to** May 2, 2004. Accordingly, PTS fails to qualify as a prior art reference and the current ground of rejection is therefore *invalid*.

At least for this reason, Applicants respectfully request that these §103(a) rejections of claims 1-4, 6, and 8-9 be **withdrawn**.

D. 35 U.S.C. §103(a) – Walker, PTS, Whitten

Claims 5 and 10 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of PTS, in further view of Whitten. Claims 5 and 10 are believed patentable at least for depending upon patentable base claims (*i.e.*, claims 1 and 7, respectively) and at least for the reasons described in relation thereto herein.

Applicants also respectfully note, as described in Section II.C herein, that PTS is not proper prior art, and this ground for rejection is therefore *invalid*.

At least for these reasons, Applicants respectfully request that these §103(a) rejections of claims 5 and 10 be **withdrawn**.

E. 35 U.S.C. §103(a) – Walker, Whitten

Claims 11-12, 14-15, 17-18, 22, 24, and 30 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Whitten. Claims 11-12, 14-15, 17-18, 22, 24, and 30 are believed patentable at least for depending upon patentable a base claim (*i.e.*, claim 7) and at least for the reasons described in connection therewith herein.

At least for this reason, Applicants respectfully request that these §103(a) rejections of claims 11-12, 14-15, 17-18, 22, 24, and 30 be **withdrawn**.

F. 35 U.S.C. §103(a) – Walker, Whitten, PTS

Claims 13 and 16 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Whitten, in further view of PTS. Claims 13 and 16 are believed patentable at least for depending upon a patentable base claim (*i.e.*, claim 7) and at least for the reasons described in connection therewith herein.

Applicants also respectfully note, as described in Section II.C herein, that PTS is not proper prior art, and this ground for rejection is therefore *invalid*.

At least for these reasons, Applicants respectfully request that these §103(a) rejections of claims 13 and 16 be **withdrawn**.

III. New Claims

New claims 31-38 are believed to be patentable over the cited references at least for the reasons otherwise presented herein. Further, after reviewing the cited references, Applicants believe that the Examiner has failed to show how the cited references teach, suggest, or render obvious, alone or in combination, at least:

(i) *a memory in communication with the processor, the memory storing instructions that when executed by the processor cause the vending machine to receive, from a wireless handheld customer device operated by a customer of the vending*

machine, an indication of a customer service issue at the vending machine (claims 31-38);

(ii) a memory in communication with the processor, the memory storing instructions that when executed by the processor cause the vending machine to select one of a plurality of available remedies to provide to the customer (claims 31-38);

(iii) a printer that provides the compensation code via a printed voucher (claims 32-33);

(iv) wherein the printed voucher comprises a barcode indicative of the compensation code (claim 33);

(v) wherein the compensation code is provided by transmitting an indication of the compensation code to the wireless handheld customer device operated by the customer of the vending machine (claims 34-35);

(vi) wherein the transmitting is conducted via one or more of: (i) electronic mail; (ii) text messaging; and (iii) infrared radiation (claim 35);

(vii) wherein the instructions, when executed by the processor, further cause the vending machine to: receive, from the wireless handheld customer device operated by the customer of the vending machine, an indication of the compensation code; and provide, in response to a receipt of the indication of the compensation code from the wireless handheld customer device operated by the customer of the vending machine, the remedy to the customer (claims 36-37);

(viii) wherein the receiving of the indication of the compensation code from the wireless handheld customer device operated by the customer of the vending machine, comprises one or more of: (i) reading information indicative of the compensation code from a display screen of the wireless handheld customer device operated by the customer of the vending machine; (ii) detecting a DTMF signal transmitted by a speaker of the wireless handheld customer device operated by the customer of the vending machine, wherein the DTMF signal is indicative of the compensation code; and (iii) receiving a wireless signal from the wireless handheld customer device operated by the customer of the vending machine, wherein the wireless signal is indicative of the compensation code (claim 37); or

(ix) *wherein the wireless handheld customer device operated by the customer of the vending machine comprises one or more of: (i) a cellular telephone; (ii) a PDA device; (iii) a pager; (iv) a personal music player; (v) a gaming device; and (vi) a personal computer (claim 38).*

IV. Conclusion

At least for the foregoing reasons, it is submitted that all pending claims are now in condition for allowance, *or in better form for appeal*, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-461-7017 or via e-mail at cfincham@walkerdigital.com, at the Examiner's convenience.

V. Petition for Extension of Time to Respond and Fees

Enclosed herewith is the surcharge fee of **\$636.00** for filing eight (8) total claims over those previously paid for, and one (1) independent claim over three (3).

While no other fees are believed to be due at this time, please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, while no extension of time to respond is believed to be necessary, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date

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